



10-17-05

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2005 OCT 25 PM 4:15

Docket No.: 20002/0200803-US0  
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Yossi Corem et al.

Application No.: 10/760,107

Confirmation No.: 7396

Filed: January 1, 2004

Art Unit: 2874

For: FIBER OPTICAL GAIN EQUALIZER

Examiner: Sung H. Pak

**REQUEST FOR REFUND (37 CFR 1.28(a))**  
**SMALL ENTITY STATUS CLAIM (37 CFR 1.27(c))**

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The applicants in the above-identified patent application hereby request a partial refund of fees paid with respect to this application. Applicants have assigned this application to Xtellus, Inc. Xtellus hereby asserts, by its attorney, that it is entitled to Small Entity Status.

A three month extension of time fee was paid in full in the amount of \$1020.00 on August 26, 2005 at the time of filing the above-identified application. Because Small Entity Status applies, Applicants are entitled to a refund of \$510.00, half of the full filing fee.

Applicants attach hereto a copy of check No. 9545 in the amount of \$1020.00 paid on August 26, 2005.

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Application No.: 10/206,155

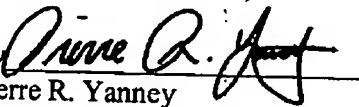
Docket No.: 05986/100H958-US1

Please credit the refund to Deposit Account No. 04-0100 in the name of DARBY & DARBY P.C.

Dated: October 14, 2005

Respectfully submitted,

By

  
Pierre R. Yanney

Registration No.: 35,418

DARBY & DARBY P.C.

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(212) 527-7700

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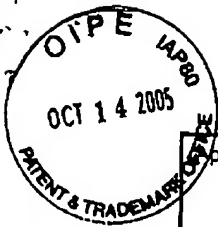
Attorneys/Agents For Applicant

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<b>DARBY &amp; DARBY P.C.</b> PATENT OFFICE ACCOUNT 805 THIRD AVENUE NEW YORK, NY 10022		1-852 210 43348074	9545
PAY TO THE ORDER OF		DATE	8/26/05
COMMISSIONER OF PATENTS & TRADEMARKS		\$1,020.00	
One Thousand, Twenty		DOLLARS	
citibank			
CITIBANK, N.A. BR 8852 153 EAST 63RD STREET NEW YORK, NY 10043		The Citigroup Private Bank	
MEMO		10/760,107(0200803-USO) Gabriella V. Karagiozi	
⑆0210000089⑆		43348074 9545	

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Application No. (if known): 10/760,107

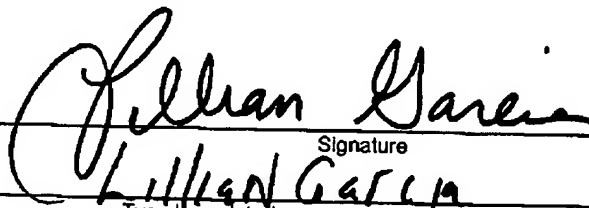
Attorney Docket No.: 20002/0200803-US0

## Certificate of Express Mailing Under 37 CFR 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Airbill No. **EV692132253-45** in an envelope addressed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

on October 14, 2005  
Date

  
Signature

Lillian Garcia  
Typed or printed name of person signing Certificate

Registration Number, if applicable

Telephone Number

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Request For Refund - Small Entity Status Claim  
Copy of Check No. 9545 for \$1,020.00  
Return Postcard Receipt



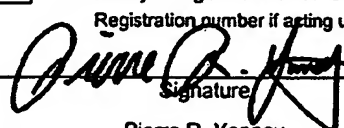
08-27-05

PTO/SB/22 (12-04)

Approved for use through 7/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)</b> <b>FY 2005</b> (Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).)		<b>Docket Number (Optional)</b> 20002/0200803-USO	
<b>Application Number</b> 10/760,107-Conf. #7396		<b>Filed</b> January 16, 2004	
<b>For FIBER OPTICAL GAIN EQUALIZER</b>			
<b>Art Unit</b> 2874		<b>Examiner</b> S. H. Pak	
This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application. The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):			
		<b>Fee</b>	<b>Small Entity Fee</b>
<input type="checkbox"/>	One month (37 CFR 1.17(a)(1))	\$120	\$60
<input type="checkbox"/>	Two months (37 CFR 1.17(a)(2))	\$450	\$225
<input checked="" type="checkbox"/>	Three months (37 CFR 1.17(a)(3))	\$1020	\$510
<input type="checkbox"/>	Four months (37 CFR 1.17(a)(4))	\$1590	\$795
<input type="checkbox"/>	Five months (37 CFR 1.17(a)(5))	\$2160	\$1080
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.			
<input checked="" type="checkbox"/> A check in the amount of the fee is enclosed.			
<input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.			
<input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account.			
<input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number <u>04-0100</u> . I have enclosed a duplicate copy of this sheet.			
I am the <input type="checkbox"/> applicant/inventor.			
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).			
<input checked="" type="checkbox"/> attorney or agent of record. Registration Number <u>35,418</u>			
<input type="checkbox"/> attorney or agent under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____			
 Signature		<u>August 26, 2005</u> Date	
<u>Pierre R. Yanney</u> Typed or printed name		<u>(212) 527-7769</u> Telephone Number	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.			
<input type="checkbox"/> Total of <u>1</u> forms are submitted.			

18/30/2005 EFLORES 00000010 10760107

1 FC:1253

-1020.00 OP

Adjustment date: 12/02/2005 SFELEKE1  
08/30/2005 EFLORES 00000010 10760107

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12/02/2005 SFELEKE1 00000012 10760107  
510.00 OP  
01 FC:2253  
Repl'n. Ref: 12/02/2005 SFELEKE1 0008271500  
DBH:040100 Name/Number:10760107  
FC: 9204 \$510.00 CR